

IN THE UNITED STATES DISTRICT COURT
FOR NEW JERSEY

| | | |
|---|---|---|
| _____ | § | |
| SEAN KIELTY | § | |
| Plaintiff, | § | DOCKET NO: 3:14-cv-03269-PGS-LHG |
| | § | |
| vs. | § | MOTION FOR RECONSIDERATION |
| | § | OF PROTECTIVE ORDER |
| Federal Emergency Management Agency (FEMA), | § | PURSUANT TO RULE 54(6) |
| Defendant | § | |
| _____ | § | |

INTRODUCTION

Pursuant to the Rule 54(b), Plaintiff files this Motion for Reconsideration of the Protective Order requested by Defendant in this matter for the following reasons:

- I. Plaintiff was under duress from Defendant either directly or indirectly beginning on November 26, 2014;
- II. Plaintiff has already filed a complaint with the U.S. Office of Special Counsel associated with matter, requesting an investigation of both this specific instance of PPI release and the frequency of similar PPI Release, which would render any deletion of evidence in this investigation spoliation, which is prohibited by Rule 37; and
- III. Deletion of this evidence would be contrary to the interests of justice.

ARGUMENT

Plaintiff wishes to emphatically state at the onset of this motion that Defendant's Counsel, KRISTIN VASALLO, has conducted herself with the utmost professionalism throughout this process, and has had nothing to do with the duress Defendant has placed Plaintiff under beginning on or about November 26, 2014.

On or about November 26, 2014, Plaintiff googled himself, which he does every few weeks to ensure that nothing has changed, his theory being if something had changed in his google results it would likely be the result of some sort of investigative retaliation from Defendant FEMA for pursuing this litigation. The google results on or about November 26, 2014 were significantly altered, prompting Plaintiff to order a book

from Amazon.com entitled *Online Reputation for DUMMIES* on November 27, 2014, which arrived on November 28, 2014 (EXHIBIT A). Already alarmed by the situation, Plaintiff was suspended with pay from FEMA on December 4, 2014, one week after his google search results. Plaintiff has been completely consumed with the stringent requirements Defendant FEMA has placed on him during this ever since.

On or about November 8, 2014, Plaintiff filed a complaint with U.S. Office of Special Counsel regarding Defendant's petition for a protective order for deletion of the PPI it released to Plaintiff earlier this year. Plaintiff requested that Ms. Belcher, the investigating officer assigned to this matter, investigate both this specific release, and the frequency with which Defendant makes similar releases. Over the course of the month of November, Plaintiff has made several attempts to discuss this matter with Ms. Belcher, speaking at length to her only once on or about November 21, 2014. As the PPI released to Plaintiff is now part of an investigation, and at this time represents the only evidence of potential wrongdoing, Rule 34 prohibits the spoliation of this evidence contramands any attempts by Defendant to have it destroyed.

Lastly, Plaintiff moves for reconsideration of this protective order requiring the destruction of this evidence in the interests of justice for the people whose PPI was released to Plaintiff, who are still largely unaware of the damage that may have occurred as a result or the extent of the release despite Defendant's most recent efforts to glibly ameliorate the situation with 12 months of credit monitoring.

CONCLUSION & REQUEST FOR RELIEF

Pursuant to the Rule 54(b), Plaintiff has filed this Motion for Reconsideration of the Protective Order requested by Defendant in this matter based on the aforementioned reasons of: Duress from Defendant either directly or indirectly beginning on November 26, 2014; a complaint with the U.S. Office of Special Counsel associated with matter, requesting an investigation of both this specific instance of PPI release and the frequency of similar PPI Release, which would render any deletion of evidence in this investigation spoliation, which is prohibited by Rule 37; and that the deletion of this evidence would be contrary to the interests of justice.

Plaintiff respectfully requests a vacation of Defendant's Protective Order and another thirty (30) days to respond adequately with a Memorandum in Opposition to Defendant's Petition for Court Order.

Respectfully submitted,
/s/ SEAN KIELTY

DATE: December 17, 2014

cc: KRISTIN VASALLO, kristin.vasallo@usdoj.gov

EXHIBIT A

Amazon Order for *Online Reputation*
for DUMMIES, Dated November 27,
2014

Delivered

Delivered on: Friday, November 28, 2014

[Track package](#)



NFL Pittsburgh Steelers 2012 Team Stripe Scarf

Sold by: Amazon.com LLC

[Buy it Again](#)



New Directions in Italian and Italian American History (Studies in Italian Americana)

Ialongo, Ernest

Sold by: Amazon.com LLC

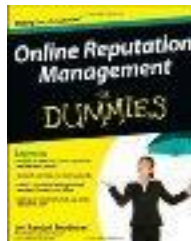
[Buy it Again](#)



Harney & Sons Classic Paris Tea 1.4 oz, 40gm (20 Tea Sachets)

Sold by: Amazon.com LLC

[Buy it Again](#)



Online Reputation Management For Dummies

Randall Stradtman, Lori

Sold by: Amazon.com LLC

Buy it Again